



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,089	05/06/2005	Jon Shipman	36692.00.0004	2450
7590 12/10/2008 Vedder Price Kaufman & Kammholz 222 North LaSalle Street Chicago, IL 60601				
EXAMINER HEWITT, JAMES M				
ART UNIT		PAPER NUMBER		
3679				
MAIL DATE		DELIVERY MODE		
12/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,089

Applicant(s)

SHIPMAN, JON

Examiner

JAMES M. HEWITT

Art Unit

3679

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 4 and 5 is/are allowed.
6) ☒ Claim(s) 1, 2 and 6-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings were received on 9/2/08. These drawings are acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Burchfield (GB 2 326 453 A).

With respect to claim 1 and with particular reference to Figures 5 and 6, Burchfield discloses a kit of parts comprising: a tubing component (second to the right in Figure 5) having at least two in-line sections with different external diameters; and a set of connection means (second to the left in Figure 5), each connection means having dimensions such that it may be joined to the tubing component at a respective section and to enable connection to a pipe (leftmost in Figure 5) of the same diameter as the respective section.

With respect to claim 2, wherein each connection means comprises a locking ring. Each section of the connector is considered to comprise a locking ring.

With respect to claim 6 and with particular reference to Figures 5 and 6, Birchfield discloses kit of parts comprising: a tubing component (second to the right in Figure 5) having at least two in-line sections with different external diameters; and means for connecting (second to the left in Figure 5) any of the sections of the tubing component to a pipe (leftmost pipe in Figure 5) of the same diameter as the section of the tubing component.

With respect to claim 7, Burchfield discloses the kit of parts of claim 1 wherein each connection means is configured to join the tubing component at a respective section with a pipe of the same diameter without having the pipe inserted into the relevant tubing component.

With respect to claim 8, Burchfield discloses kit of parts of claim 1 wherein each connection means includes a first portion that is dimensioned to be joined to the tubing component at a respective section and a second portion adapted to enable connection to a pipe of substantially the same diameter as the respective tubing section.

With respect to claim 9, Burchfield discloses kit of parts of claim 1 wherein each connection means includes at least two ends, one end dimensioned to receive a respective tubing component section and an opposite end dimensioned to receive a pipe within the connection means.

Allowable Subject Matter

Claims 4 and 5 are allowed.

Response to Arguments

Applicant's arguments filed 9/2/08 have been fully considered but they are not persuasive.

Applicant argues "Burchfield also teaches a different structure than that claimed. The apparatus of Burchfield cannot be used to join pipes with the same diameter. For example, FIGs. 5 and 6 show that the two individual components used must be different sizes as one fits inside the other. For example, the left most component shown in FIG. 5 fits inside the right most component. Therefore the pipes to which these components are attached must also be of different diameters." Examiner disagrees. Claim 1 requires "each connection means having dimensions such that it may be joined to the tubing component at a respective section and to enable connection to a pipe of the same diameter as the respective section." and claim 6 requires "means for connecting any of the sections of the tubing component to a pipe of the same diameter as the section of the tubing component." Burchfield's connection means in FIG. 6 receives a section of the tubing component that is of a smaller diameter than the connection means. As Burchfield states that his connection means may be cut to accommodate a given sized pipe, the leftmost two sections of Burchfield's connection means may be cut so as to allow the connection means that receives the tubing section component to connect a pipe of the same dimensions of the received tubing section on the opposite end of the connection means. This can apply to any of the sections of the tubing component.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES M. HEWITT whose telephone number is (571)272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/
Primary Examiner, Art Unit 3679